THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.246 of 2006

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9th March 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02.03.2006 in W.P.NO.3796 OF 2006 on the file of the High Court.)

Between:

Satyanarayana Sharma.

...APPELLANT

AND

1. The Central Reserve Police Force (CRPF), Rep.by its Deputy Inspector General of Police, Chandrayangutta, Hyderabad.

And one other.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.246 OF 2006

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

At their request, the Writ Appeal itself is taken up for disposal at the admission stage.

The appellant is the unsuccessful writ petitioner, who seeks to assail the order dated 02.03.2006 dismissing the Writ Petition being W.P.No.3796 of 2006, which was filed, *inter alia*, seeking a mandamus against the order of his transfer from Hyderabad to Kashmir. The main ground urged on behalf of the appellant is that because of his transfer, his children, who are studying in the schools in Hyderabad, would be disturbed in the midstream of the academic year and his son is facing Xth Class Examination and his presence is more required. He further submits that he has no objection to shift to Kashmir immediately after the Academic Year. However, the learned Single Judge did not find favour with the submissions made by the

appellant and rejected his request with a direction that the family of the petitioner is allowed to continue in the accommodation/quarter granted to him till the end of May 2006.

Having heard the counsel on either side and on perusal of the material available on record, it is seen that the appellant is working in Central Reserve Police Force (CRPF) and his services were stated to be required at Kashmir. The said aspects cannot be gone into under the jurisdiction of Article 226 of the Constitution of India, more so, at the time when call is given by the Armed Forces, any service of the citizens of India cannot be stalled or otherwise. In the circumstances, we do not find any merits in the appeal.

The Writ Appeal is accordingly dismissed. However, as rightly observed by the learned Single Judge, the family of the petitioner is allowed to continue in the accommodation/quarter granted to him till the end of May 2006. No costs.

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(B.PRAKASH RAO, J)

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(D.APPA RAO, J)

9th March 2006

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